United Nations ST/IC/2011/28

Secretariat

11 October 2011

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Hourly wage for household employees on G-5 visas and terms of permissible deductions**

1. The purpose of the present circular is to inform staff members who hold a G-4 visa and employ a household employee to whom a G-5 visa has been granted of a diplomatic note received from the Permanent Mission of the United States of America to the United Nations (see annex to the present circular). The note concerns changes to the minimum hourly wage to be paid to such household employees and information on permissible "reasonable" deductions from those mandated wages.

2. The United States Mission reiterated that, for all hours worked, personal servants, attendants and domestic workers who are in the United States in non-immigrant G-5 visa status must be paid the greater of the minimum wage under United States federal and state laws or the prevailing wage in the location where they are employed. The prevailing hourly wage has been established at $9.63 per hour for the New York City metropolitan area, exceeding the federal minimum wage of $7.25 per hour. Effective 28 September 2011, all domestic employees on G-5 visas in the New York City metropolitan area must therefore be paid according to the prevailing wage, that is at a minimum of $9.63 per hour for all hours worked. All new contracts between domestic workers and their employers must reflect at least the minimum hourly wage established for the New York City metropolitan area.

3. In addition, the United States Mission advises that it is not permissible to withhold from wages any amount for lodging or other expenses such as the provision of medical care, medical insurance or travel. Where a minimum of three daily meals are provided to a domestic worker, a deduction of not more than 20 per cent of the mandated minimum wage is considered a reasonable and therefore permissible deduction.

4. All contracts or payment practices between domestic workers and their employers must be amended accordingly.

* The present circular, which will be in effect until further notice, supersedes ST/IC/2011/10.

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Annex

Diplomatic note dated 28 September 2011 from the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General

The United States Mission to the United Nations presents its compliments to the United Nations Secretariat and has the honour to refer to its diplomatic circulars HC-106-(S)-09 dated 25 May 2009 and HC-125-(S)-09 dated 23 October 2009 (available from http://usun.state.gov/about/host_aff/129277.htm) regarding the employment by United Nations staff members of personal servants, attendants and domestic workers who are in the United States in non-immigrant G-5 visa status. The United Nations Secretariat should note that for all hours worked, such domestic workers must be paid the greater of the minimum wage under United States federal and state laws or the prevailing wage in the location where they are employed.

The United States Mission to the United Nations wishes to inform the United Nations Secretariat that the United States Department of Labor's prevailing wage statistics for domestic employees, included in its annual Occupational Employment Survey, have been updated for 2011. The prevailing hourly wage for "Maids and Housekeeping Cleaners" is now $9.63 per hour in the New York City metropolitan area. As this amount exceeds the federal minimum wage of $7.25 per hour, effective as of the date of this note, all domestic employees must be paid according to the prevailing wage. In addition, all new contracts between domestic workers and their employers must reflect the updated amount.

In addition, the Department of State and the United States Mission have considered the question of what would be "reasonable" as a deduction from wages for meals and/or lodging for G-5 domestic workers. It has been determined that housing provided to such workers is for the benefit of the employer and thus that it is not permissible to withhold from wages any amount for lodging. It has also been determined that it would be reasonable for employers of G-5 visa holders to withhold no more than 20 per cent of the wages of domestic workers for a minimum of three daily meals.

Further, the Department of State and the United States Mission do not allow deductions from wages for any other expenses, such as the provision of medical care, medical insurance or travel. This guidance is effective immediately. The United States Mission therefore suggests that Secretariat personnel be advised that if they have entered into contracts and/or payment practices with regard to domestic workers that provide deductions from wages that are more extensive than those set forth above, such contracts and/or practices should be amended accordingly.